



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mark Henry SHIPTON et al.

Group Art Unit: 1775

Application No.: 10/689,053

Examiner: G. BALDWIN

Filed: October 21, 2003

Docket No.: 117397

For: METHOD OF VIBRATION DAMPING IN METALLIC ARTICLES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 24, 2006 Restriction Requirement, Applicants provisionally elect Group II., claims 6-15, with traverse.

Applicants respectfully disagree with the Restriction Requirement's assertion that the article might be made by a materially different process, in which the coating is deposited into a mold, the substrate is applied to the coating, and subsequently, the substrate is removed from the mold in a lift-off process. This process as alleged by the Restriction Requirement is not materially different than that recited in claim 1. Specifically, the "applying" step, as recited in claim 1, is broad enough to encompass the alleged materially different process, according to the alleged process, the coating is still "applied" to the substrate when the substrate contacts the coating.¹ Thus, the process alleged by the Restriction Requirement

¹ Applicants note that "apply" may be defined as "to bring into nearness or contact with something; put on, upon or to." American Heritage College Dictionary, p. 66 (3 ed., 1997)

cannot be considered materially different from Applicants' claimed process (see MPEP §806.05 (f)).

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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